IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3702 OF 2006

IN

APPEAL (L) NO.851 OF 2006

...

Anand Darshan Co.op. Housing
Society Ltd. ...Appellant

v/s.

M/s.Monsher Fire Controls
Pvt.Ltd. & ors. ...Respondents

...

Mr.A.S.Desai for the Appellant.

Ms.Lrine D'lima i/b G.V.D'lima for the Respondents.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 25TH JULY, 2007

P.C.:

Heard the learned Counsel for both sides. For the reasons disclosed in the affidavit filed in support of the Notice of Motion, Notice of Motion is granted in terms of prayer clause (a).

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL (L) NO.851 OF 2006

IN

SUIT NO.14 OF 1989

...

Anand Darshan Co.op. Housing
Society Ltd. ...Appellant

v/s.

M/s.Monsher Fire Controls
Pvt.Ltd. & ors. ...Respondents

...

Mr.A.S.Desai for the Appellant.

Ms.Lrine D'lima i/b G.V.D'lima for the Respondents.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.

DATED: 25TH JULY, 2007

P.C.:

By consent of parties Appeal is disposed of in following terms:

(i) The order impugned in the Appeal is set aside.

(ii) The suit of the Plaintiff is restored to file, subject to the condition that within a period of four weeks from today the Appellant deposits an amount of Rs.1,70,000/- in this court with due intimation to the Plaintiff and files his written statement with copy to the Plaintiff.

(iii) On the amount being deposited, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount on furnishing a bank guarantee to the satisfaction of the Prothonotary & Sr.Master of this Court and also giving further undertaking to bring back the amount, if so directed by this court and on such terms and conditions as may be directed by this Court and in that event the rate of interest shall not be less that 12% p.a.

(iv) In case the amount is not so deposited and the written statement is not filed, this Appeal shall be treated as dismissed. In other words, the decree passed against the Appellant shall remain and the Plaintiff shall be entitled to execute the same.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)

upk/-